pp. F. IX-4

1937-9 (Inwz)

File No. 14-38

Previous References

Serial Nos. 1-8

Letter References.

R. S. 14-41-31, 34, 38+39
R. R. 1-44-94, 96, 173

PRESERVED

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Eight (1-8)

Part B for March 39.

SUBJECT.

Appeal against the Orders of the Collector in 34/38 37 on the file of his inam Office Re Shri G. Sarvamangala Devasthanam of Hosakote — Taluk Colar to the Inamdi Mirasi Trained by Bapuishaw Rao

C/C. 1-0-3 The Rig Commissioner Rob Commissioner of Land Rec & Inam - Settlements in Mysore

Dismissing the appeal but Certain observations

31/3/39

WD 0418—GPB—22,500—29-8-36

Mrzy appl no 6 of 38-39

GENERAL AND REVENUE SECRETARIAT.

(Mrzy)

NOTES.

File No. 14-38

FILE HEADING

Appeal petition of the Swamigalu of Sri Uttaradi Mutt

FROM

The Swamigalu of Sri Uttaradi Mutt.

No. – Dated 8.7.38 Received 8.7.38

Diary No. 28 | Enclos. 4 | Spare copies – | Serial No. 1

BRILF ABSTRACT OF LETTER

Appeals against the order of the Mrzrai Commissioner in mrzy appl no. 29/36-37 on the file of this court in the matter of one fourth share of Sarvamanyapattam under Village Hoskote Taluk belonging to Sri Mutt claimed by Bapu Shamarao.

NOTES AND ORDERS.

1) The appeal petition is duly stamped & has been filed in time: certified copies of the order of the A.C, the D.C & the M.C. have been filed. The P.W.D. Assistant Engineer Hoskote. The inam is mentioned in PP 136 & 137 Survey No. A-1 (Any land included) assessed at Rs 12/- The Mutt claims the Nanjanakere Village H. but the Tahsildar is ordered to enquire & report whether the appellant Mutt is entitled to the inam as claimed.

1 2 * no mention is made therein of the

NOTES—First Sheet

WD 0283—GPB—3,750—25-1-38

Sadhanam v Narayanakere Village
belonging Hosahalli Marali & 4 Shares
1/2 owned by Pinkam Shanka Rao & others.

1/13 File No. 14 of 1938: General and Revenue Secretariat

[illegible] the return in possession of the tenant, Bapu Shankara Rao & others, summarily evicted by Mr. The appellant party has in effect [illegible] the D.C., & The latter confirmed the order of the S.D.O. With modification of the [illegible] order of 31/3/37, that a m- shall be [illegible] the decision of the Court to remain undisturbed. In many appeals Sec. 35-36, T. has held that a Revenue officer to whom the case is referred under Sec. 35 of the Act is not bound to hear the parties himself but may depute [illegible] to do so. The Revenue Commissioner's order in Reg. Appeal No. 3 of 1936 in file. It is [illegible] to be a T. [illegible]

Appeal re claim to a portion of Sarvamanya Narayanahalli village, Hosakote Taluk, endowed to Sri Utturadi Mall.

General and Revenue Secretariat — Muz 3 — File No. 14 of 193 Y. — [App. F. III—2

Serial No.

of law governing such cases, which are set forth in para 65 of file No. Muz. 178-29. It is a point for orders whether a report on the points raised in the appeal petition and the connected records are to be called for.

16.7.38

2 As questions of law are involved, the records may be called for.

Gen: Secy 15/7

Called for 15/7

5

P.C. issued vide 868/19-7-38 2

16.7.38

No 85 of 19.7.38 from the Muzrai Commissioner calling for records with a report on the points raised in the appeal petition.

Letter No HC 7/38-39 of 29.10.1938 from the Muzrai Commissioner submitting records connected with the appeal filed by Sri. Utturadi Mutt praying that the Muzrai Commissioner's order be set aside

Pros a 21/7

GENERAL SECRETARY. 15 JULY 1938 3 Le 8

NOTE—Contn. Sheet.

WD 0281—GPB—30,000—13 8 37

in respect of ¼ portion of Narayanakere Village Honkeli Taluk claimed by Rao Sahib Rao & others.

1) Narayana Kere Sarvamanya in Honkeli Tk is a Devadaya Inam endowed for the support of the Sri Mallikarjuna Mutt. (Vide pp 128 and 129 of the Register of Mutt Inams endowed with Inam lands in the Honkeli Tk). This reference is invited to pp 136-7 of the Quit Rent Register of the Honkeli Tk. from which it is seen that the entire Village of Narayanakere belongs to Sri Mallikarjuna Mutt & it is entitled to Land Revenue of the Village.

2) The facts of the case are fully set forth in S. Do's decision in my case No 10 of 35-36 & D-'s order by 5/3/37 in my appeal No 13/35-36 on the file of this Court about ¼ Share in Sarvamanya Narayanakere Village claimed by the late Rao Sahib Rao. The view taken by the S.D.O. & the D.C. Bangalore are in favour of the Mutt. which is a very old Inam enjoying large cash grants and also land-grant.

The powers of a Mahasthipathi over the

No 6 of 30-31

Wp's Appeal (re: Sarvamanya Narayanarao Vinaya endowed to Sri Ellamadi Mutt

General and Revenue Secretariat — Mug File No. 14 of 1938. — [App. F. III—2

Serial No

properties endowed with are discussed in pages 68—72 of Mug 1) 8-29-11 pencils for refce. When the matter went up in appeal before Dy M.C, (vide his decision in mug appl 29 of 36-37) he has set aside the O.S. order & held that there is no need to interfere with the alienation made by the hereditary trustee.

2) If it is conceded that at the time of Inam Settlement all claims with have been considered, it is urged that the contention of the petitioners should be decided though the M.C has taken a different view.

(3) Abstract for orders -

SS 9.12.38. 4/12.11.38.

4) Please ext from the Inam Compn appln the particulars relating to the settlement of this Inam & also of the adjoining Inams

5)

SS 9.12.38

No 14.12.38

No 769 of 1937-38 to the Superintendent of Land Revenue Bangalore and Settlement — Inam Section calling for papers pertaining

NOTE—Contn Sheet

Mug appl no 6 of 38-39

Mug File No. 14 of 1938. | General and Re Secretariat

Re Settlement of Sarvamanya Narayan-Kere Village - Honnali Tk.

Letter no 64 of 24.11.1938 from the Superintendent of Inam Settlements forwarding the Inam Settlement Register and the Inam dis Statement relating to Sarvamanya Narayanakere Village - Honnali Taluk belonging to Sri Ilavanabi Mutt.

Sarvk 18/11

Petition of 21.11.1938 from the Agent of Sri Ilavanabi Mutt stating that the Mutt's counsel may be heard before orders are passed on the appeal petition.

From the Inam Statement given by the Mutt authorities in Oct 73, it is clear that they have specifically prayed for the Sarvamanya Narayanakere Village Honnali Tk being registered in the name of the mutt. The records clearly show that the respondent or any of his predecessors preferred no appeal against the order of the Inam Enquiry Officer by which he registered & obtained a fresh title though they had plenty of time to do so; The Sarvamanya Village has been noted below as enfranchised Inam: how a mahasthanadhipathi is not competent to make a gift of the property has been noted in para 8 supra. The records also show that no sufficient documentary

Mug 178-29.

No: Sarvamanya Narayanakere Village
belonging to - Sri Uttandi Mutt. (Hosakote TK)

General and Revenue Secretariat

No. File No. 14 of 193 [App. F. III—2

Serial No.

evidence has been produced by the respondent (Bapu Shamarao) to establish his title for a portion of the Inam. He has not been able to show for what service to the Mutt (or for the upkeep of the village temple) the village was gifted to his ancestors. Kind ref^e is also invited to the entry by the Inam Supdt (on the Inam Register Sheet) dt 15/5/06 which is as follows:—

= Sarvamanya Narayanakere"

17. This Inam which has been placed under attachment as per G.O. no 1621-34/Mem dt 9.11.04 is released and restored to the Mutt, as per G.O. no 3779-92½/Mem dt 30/31902 dt 9.3.1906."

15. The respondent (Bapu Shama Rao) if he had any right, would have tried to ~~establish~~ assert his own right for ¼ share of the village, when the village was placed under attachment. There is no record to show that any action was taken by him subsequently or at any succeeding period.

out of 8 persons known to have ... entitled in the ¼ share of the village, only 2 ... served by the D.C., only two persons ...

NOIL—Contn Sheet

WD 0544—GPB—30,000—2-9-83

Rao & the present respondent appeared before the S.D.O. in the appeal before the D.C. only the present respondent has appeared; the other one Bapu Krishna Rao has kept back. It is stated that other persons were keen to themselves about appropriating the Nilli's property. They would have come forward with their rights; their silence perhaps indicates their unwillingness to have further in the matter.

D.C. in para 8 of his decision refers certain entries in Adhoc 1876 the Inam Register made by the Counsel for the present respondent. According to this the Gift was made by the Sovereign of Bhima Bhatta. The respondent has now traced that he is the descendant of Bhima Bhatta. It is unusual that among Vyshnavas that the ending Bhatta occurs after their names, though they may be Vydic Brahmins; This terminology is common among Smartha Vydic Brahmins. The respondent has not been able to prove in the Courts below how he got the land from Bhima Bhatta that is why perhaps the D.C. observes that the ethics of the transfer in order to be proved strictly from different standards in these days

Re: Sarvamangala Nayagan Kere village belonging to Sri Uttarādi Mutt.

General and Revenue Secretariat — File No. 14 of 1938. [App. F. III—2

Serial No.

As however the respondent enjoyed the lands all these years without paying anything to the Mutt, it is a matter for consideration whether this is not in itself a great concession if he is not called upon to pay the assessment of the period on the lands enjoyed by him free all these years. For a similar case see Exemption Rule 9 No. 1118 Mag. of 14.7.1894 & 10.9.1895

18) In view of the above it is a matter for consideration in the interests of the Mutt whether the M-e's order does not call for modification to the extent of the I.A.O. confirmed.

19) The Respondent Mutt prays that it Counsel may be heard before orders are passed on the Case.

) Rule for calls in the Case may be filed for [illegible]

Rs 26/11 21) This is an appeal against the ~~order~~ orders of the Inspector Com on the request of Sri Uttaradi mutt to resume ½ share of Sarvamangala Narayan Kere situated at [illegible] Taluk, which was granted as an inam for the [illegible] of the mutt. The [illegible] officer, [illegible] [illegible] Sub-[illegible] held

NOTE—Contn Sheet.

WD 0544—GPB—30,000—2-9-83

10) Appeal of — Sri requesting restoration of Sarva manya Narayankere village, Hoskote Taluk.

Mysg File No. 14 of 193 8 | General and Secretariat

in his order no. 1/35-36 dated 18th March 936 that since this is an unenfranchised inam granted for the support of Sri Ittaradi Mutt, its alienation by way of gift to one of the ancestors of the respondent Sri. Bapu Sahana Rao is invalid. This is in accordance with the view held by Mr. C. Subrahmanya Iyer, Additional Secy. to Govt. in his note in file no. Mysg. 176 of 1929-30. (Vide paras 64-65 of the notes in that file), which have been accepted by Govt. (Vide para 93 of the notes in that file). The Dy. Comr., Bangalore dt., has upheld the orders of the Sub-Asst. Commr., Doddaballapur, in this case. (Vide his order dated 5th March 1933). The Mysore Asst. Comr. has cancelled the Dy. Comr's order. The point for decision is whether the Mysore Comr's order is not in contravention of the principles governing such cases referred to in the note of the Additional Secretary to Govt. in file no. Mysg-176-1929-30. The appellant requests that the Mysore Comr's order may be set aside and the Dy. Comr's order may be restored. The case is submitted for orders.

2) The other papers in the Collector's Rev. Appeal No. 27 (87) which has been before you are returned herewith.

Serial No.

Narayanakere Village in Hosakote Taluk is a a Survamanya Village granted to Sri Uttaradhi Mutt under sannad dated 1917. The village was resumed by Tippu Sultan and restored to the Mutt in 1807. One of the Gurus of the Mutt (Jaya Thirtha Sripadangalavaru) made over one-fourth in the Village to one Bhima Bhatta, ancestor of ~~perhaps~~ parties 2 to 14 shown in Column 15 of the Inam Title deed under a Deed of Sadharma in consideration of the troubles that he took in getting the Inam Village to the Mutt. The Inam Settlement of the Village was done in August 1875. and a title deed was issued in 1875. At the time of the Inam Settlement it was found that the Village was in the enjoyment of the parties 2 to 14, the latter possessing the one-fourth village for the last 83 years. It was found that, according to the sarvamanya accounts of 1837 the Swami was in possession of three-fourths village of a Beriz of Rs. 68-4-1 and the alienees of ¼th of a beriz Rs. 22-8-5. This document also shows that in 1861, the Swami and the descendants of the alienee applied to the Inam Superintendent and got the lands of their respective shares measured and divided between them, the Gumasta having been appointed by Government to survey the village. At the Inam Settlement it was directed at the request of the Swamigalu that the title deeds should be made out in the name of the manager for the time being only, the names of the alienees being however registered in Column 15 of the Inam Register. The alienees and their successors in title have

NOTE—Contn Sheet.

WD 0544—GPB—30,000—2-9-83

17) Bangalore No 6 of 38-39

Misc. File No. 14 of 1938. | General and Revenue Secretariat

have continued in possession of their share all along.

2. Survey and Settlement having been introduced into the village, the Mutt filed a suit in the Munsiff's Court, Bangalore in O.S. No. 782/27-28 for the recovery of certain arrears of Kandayam and cesses due to it from the respondents on the ground that the latter was a tenant under the Mutt. The respondents contested the suit pleading that he was not a tenant but was along with others the absolute owner of ¼th share of the village, this portion having been gifted about the year 1730 by the then Guru to his ancestor Bhima Bhatta in consideration of certain services rendered by the latter to the Mutt. The Mutt contended that the alienation was considered and not recognised at the Inam Settlement of 1874 and that the alienee could not question the validity of the Inam Settlement. The Munsiff ordered that on the 29th October 1873 the Inam Assistant Mr. C. Soob Rao pointed out the alienation but did not recommend it's being set aside while the Assistant Mr. V.N. Narasimha Iyengar opined that the alienation should not be recognised and that the Inam Superintendent confirmed the Sarvamanya free of tax, and held that the respondents and his co-sharers were owners of one-fourth share of the village by reason of the gift and that they were not liable to pay rent to the Mutt. This decision was upheld by the Appellate Courts including the High Court.

The Mutt thereupon sought the intervention of the Muzrai Department to set aside the alienation on the ground that the construction placed by the Civil Courts on the terms of the Inam Settlement was erroneous, and

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and that the Swami had no power to alienate and that Government as Trustees of Muzrai Institutions should intercede and cancel the unauthorised alienation of Devadaya Inam granted for the upkeep of the Mutt. The Muzrai Commissioner (the present Second Member of Council) opined that while the Civil Court's decision, so far as it goes, is binding on the parties to the Civil Suit, it certainly does not derogate from the powers of the Muzrai Officers to make an independent investigation into the circumstance of the alleged alienation and take suitable action as may be permissible and appropriate under Section 30 of the Religious and Charitable Institutions Act. He accordingly referred the matter to the Muzrai Officer for enquiry and disposal in the first instance. He further observed that the marginally noted cases of alienation Government have ordered that the Mutt authorities should get back the land by paying suitable compensation to the alienees, failing which the lands should be subjected to full assessment and left in the possession of the alienees the extra revenue being made over to the Mutt as a cash grant, and that all these cases were decided on the authority of the Chief Commissioner's notification of 1877 which is still in force in regard to alienations made prior to 1863 and that how far the present case was analogous to these and justified a similar treatment for which was a question, among others, should engage the attention of the Muzrai Officer.

WD 0544—GPB—30,000—2-9-83

Mysore 69 '28-29

Muz File No. 10 of 193 | General and Se

The matter was accordingly enquired into by the Sub Division Officer, Dodballapur. This officer held that according to the Inam rules, when once the validity of the Inam is established as the result of an enquiry, and a title deed is issued by the Inam Commissioner, it is not competent to the Judicial Courts to question the validity of the settlement and that in the present case the alienation not having been recognised in the Inam Settlement and no appeal having been preferred by the Respondents to have their shares duly recognised and to obtain a title deed in this behalf, the settlement was binding on the parties. He further considered that the Inam Commissioner was invested with discretion in disposing of cases of unauthorised alienation and that presumably he exercised his discretion and rightly refused to recognise the claims of the respondent's ancestors. He held that this was a case of unauthorised alienation of Devadaya lands and directed a ~~resumption~~ restoration of the property to the Mutt after summary resumption. Referring to the cases cited by the Muzrai Commissioner, he held that they were all cases in which the alienation was for sufficient consideration while the one under consideration was one of gift clearly unauthorised and that therefore the resumption should be ordered without payment of compensation. He also relied on the decision of Government in Muzrai Appeal No. 10 of 1929-30 (re-resumption of Inam lands belonging to Sri Yogananda Mutt, Yedatore).

Bapu Shama Rao,(respondent before Government) appealed against this order to the Deputy Commissioner,

Serial No.

Commissioner, Bangalore District. This officer agreed in effect with the Sub Division Officer and held that as the Settlement had been made by the Inam Commissioner, its validity as to the terms of Inam Settlement could not be questioned by the Judicial Courts, that the only remedy was by way of appeal to Government and that as the Inam Commissioner did not recognise the alienation but issued the title deed on the 7th September 1875 for the entire village in favor of the Mutt and the alienee did not appeal against it, the alienation could not be recognised. He found further that the Chief Commissioner's notification was issued on 17th November 1877 while the Inam enquiry was completed and title deeds were issued two years earlier and under the Inam rules of 1868, although the final title deeds incorporating the results of enquiry were issued in 1892 and 1898. While holding Sub Division Officer's order was correct, he directed on equitable grounds, in view of the long and uninteruppted possession of the alienee, that they may remain undisturbed in possession of their portions subject to their paying the survey assessment like other tenants and that in case the alienee did not accept this condition action might be taken to restore the share to the Mutt.

2) The respondent Bapu Bhama Rao appealed to the Muzrai Commissioner against this order. The Muzrai Commissioner referring to his predecessors' observed that that the mutual rights of the two parties had been

NOTE—Contn Sheet

WD 0544—GPB—30,000—2-9-83

been decided by the Civil Court and that therefore it was not necessary for the Lower Court to consider the respective ~~place~~ claims of the parties in the manner in which they had done and that the only question for consideration was whether the Muzrai Department could or need interfere in respect of the alienation in question and held that it could not so interfere. In his view, the Chief Commissioner's Notification of 1877 applied to the case and as alienation was made in 1730 very soon after the original grant and this share was in possession of the alienee as borne out by the sarvamanya account and as on the application of the parties in 1861 to the Divisional Superintendent, the respective shares of ~~rent~~ such were got measured and divided between them and as thus the alienation was acquiesced in by the Government ~~from time to time~~ of the country from time to time the alienation should be respected and the lands confirmed without the imposition of any quit rent.

2) The Mutt has now appealed against this order and urged the following grounds:-

(1) The Muzrai Commissioner should have respected the Inam Settlement proceedings held in 1874 and the final order of the Inam Commissioner who set aside the alienation and ordered registry in the name of the Mutt. These proceedings are conclusive between the parties.

(2) The respondent's ancestors were parties to the settlement proceedings and did not choose to prefer an appeal.

(3) This case is on all fours with Muzrai Appeal No. 10 of 1929-30 before Government.

(4) The Muzrai Commissioner's order is extraordinary and unwarranted and beyond his competence as he has

Serial No.

has permitted the respondent to enjoy the lands free of all charges and the Mutt is burdened with the liability to pay the entire quit rent.

(5) The Muzrai Commissioner has attached undue importance to the Chief Commissioner's Notification of 1877 and lost sight of the legislative enactment of 1927.

36) The first point of consideration is the effect of the Inam Settlement as regards the rights of the parties and the non-recognition of the alienation. reference to the proceedings of the settlement as disclosed by the Inam Register shows that although parties 2 to 14 (the alienees of ¼th share) were mentioned in Column 15 of the register as being in enjoyment of the share for a long time and the enquiry also disclosed that they were in possession for 83 years on that date, these alienees were not made parties to the proceedings and they were not also questioned. The only statement which was taken was that of the agent of the Mutt. No action was taken to resume possession of the one-fourth share which had been carved out of the village and was in the enjoyment of the alienation. It cannot therefore be said that the alienee were parties to the settlement and acquiesced in the non-recognition of their claim of share. Hence no question of any appeal arises.

37) Secondly as regards the effect of the entries

NOTE—Contn. Sheet.

WD 0544—GPB—30,000—2-9-33

entries themselves the mere fact that the inam was registered in the name of the Mutt does not amount to setting aside the alienation and recognising the Mutt as the ~~xxxxx~~ sole Inamdar. In this connection kind reference is invited to the observations made by Government in para 3 of Government Order No. 916-17 Muz. F. 10-95 dated 18th August 1905. This was a case relating to Inam Mudalodu Village, which was at the time of the Inam Settlement ~~and~~ the enjoyment of the alienation. The Inam Department did not confirm the village in the ~~xxxxxx~~ names of the alienees but merely mentioned the point of enjoyment and pointed out the necessity of some rules to deal with such alienations and in the result confirmed the village in the name of the Mutt and the question of alienations ~~and xx xxx~~ was left untouched and perhaps to be dealt with by Government under the rules prescribed in that behalf. Government observed that the matter of the alienation has to be dealt with under the rules contained in the Chief Commissioner's Notification of 1877. This case is similar as the alienees' names find a place in Column 16 and the whole village has been made ~~of~~ out in the name of the Mutt.

3) Further, the Inam Commissioner has no power to adjudicate on disputed ~~place~~ claims as by the Chief Commissioner's order of 1872 (9th May 1872) the Judicial powers exercised by him were withdrawn and such claims were left for disposal by the ordinary Civil Courts.

3) Thus the question of ~~alience~~ alienation was clearly one to be decided with reference to the rules of 1877. Even according to the Proviso to Section 30 of Religious

Serial No.

Religious and Charitable Institution Act 1927, this alienation which was admittedly one prior to 1853 was one to be dealt with under this notification. This order of the Muzrai Commissioner dated the 8th May 1935 also directed that action should be taken as was permissible and appropriate under Section 30 of the Religious and Charitable Institutions Act. In view of the specific provision in the Act, there is no substance in the point raised in para 7 of the appeal memo. The alienation in this case clearly falls under para 274 (2) of Revenue Manual as the alienation was admittedly over 50 years prior to 1867. The rule directs that in such cases the lands should be confirmed to the holders on the terms prescribed in the land inam rules and excluded from the title deed. The alienation has therefore to be respected. In this view the Muzrai Commissioner's order seems correct. As regards the three cases of 1917 referred to in the Muzrai Commissioner's order of 1935, it is submitted that in all these cases Government were not satisfied that the alienation was sufficiently old to justify the confirmation of the alienations. In all these cases out of the consideration for the alienees' long enjoyment, they offered the Mutt the choice of recovering the villages on payment to the alienee of a reasonable compensation and directed that in default of payment the villages might be subjected to full assessment and left in the possession of the alienee, the extra revenue being made over to the Mutt

WD 0544—GPB—30,000—2-9-83

regretting restoration of the Inam Nanjangud Village

File No. 14 of 193 General Se

Mutt, as a cash grant.

7. As regards the case of lands of Sri Yoganarasimha Swami at Yedatore on which the Sub Division Officer relies, it is respectfully submitted that there is nothing to show if the application of the rules of 1877 to the case was considered in that case and consequently the order passed therein cannot be applied to this case.

The next question which arises is as to what are the terms subject to which the lands should be left with the alienee. The Muzrai Commissioner has held that he is not to pay any quit rent. This being a sarvamanya village no jodi or quit rent is paid by the Mutt and so there is no substance in the contention of the appellant that while the Mutt has to pay quit rent on the entire village the respondent is let off scot free. While the Mutt has lost all rights or interests in the one-fourth share, the alienee cannot, it is submitted, be permitted to hold his share without payment of any quit rent to Government. So far as this share is concerned, the conditions of the grant viz., utilisation of the income for the Mutt has failed and consequently while the land may continue with the alienee, it should be fully assessed and removed from inam tenure and the alienee made to pay the assessment to Government. Although the Mutt by its act has forfeited all claims to the assessment, the question of regranting the assessment to the Mutt as a cash grant is entirely at the discretion of Government.

5493

GENERAL SECTION
7 DEC. 1938
1419

(First Member)

D. No 1014

Mun appl No 6 of 1938-9. re: ¼ share in Narayanamane Village - Hosakoti T.K. (Sarvamangala Vidwa Kalmping Trust in Kolagasi Mun)

General and Revenue Secretariat — Mun File No. of 1938-9 [App. F. III—2

Ltd for hearing on 11.2.1939

Serial No.

FEB 8 1939

634

Petition of 8/2/39 from Mr Bapu Shama Rao Bangalore submitting his objections to the Mun appl No 6 of 38-39 being heard by the Joint member of Council.

Orders of the Hon. Member of 8/2/39 are as follows

"Submit to Member with reference".

2) As for the proper arrangement, Kind reference is invited to the rules in Chapter 1-6 of the reference book etc.

3) The connected appeal file has already been sent to the office of the Joint Member of Council.

4) It is respectfully submitted that the objections of the petitioner are untenable as the order appealed against was passed by the present Joint Member as M.C. It is usual in cases of this kind that the file with orders after hearing will be submitted to the Dewan for approval.

5) Submitted for orders

8/2/1939

Joint Member

Please post up with the file when the case comes up

MM

WD 0544—GPB—30,000—2-9-38

Mag appl no 64 38-39 re: one fourth share in Nanjamakane Estate - Hoskote Tk. 107

Mag File No. 14 of 193 8-9 General Secr

The Case has been posted for hearing today. ordered Writs To be

11/2/39

8) May be submitted to the Diwan for orders

DLL
11/2/39

Diwan) 9) 11.2.39

5791

FEB 13 1939
6489

10) I shall hear it on 24th month.

DLL
11/2

13/2/39 for
1st. Member)

12) DLL
14/2/39

14.2.39 for

13) The Case is adjourned to No 4 Plain of Feb 15 informing the Concerned parties ordered—

15.2.39 Writs have been addressed to the respective Counsel Signed

Issued Nos. 1317-18 of 14/15.2.39.

14) On Friday the 10th at 3/30.

DLL
1-3-39

16) Parties present with their counsel and arguments of Counsel on both sides heard order Reserved

MUZRAI APPEAL No.6 of 38-39 about the resumption of ¼ share of Sarvamanya Narayanakere Village, Hoskote Taluk in the unauthorised enjoyment and possession of Bapu Shama Rao and others and the restoration of the same to Sri Uttaradi Mutt.

APPELLANT:- The Swamigalu of the Mutt by his Agent.

RESPONDENTS: Bapu Shama Rao and others.

N O T E

Narayanakere village in Hoskote Taluk is a sarvamanya village granted to Sri Uttaradi Mutt under sannad dated 1717. The village was resumed by Tippu Sultan, and restored to the Mutt in 1807. One of the Gurus of the Mutt (Jaya Thirtha Sripadangalavaru) made over one-fourth share of the village to one Bhima Bhatta, ancestor of parties 2 to 14, shown in column 15 of the inam title deed under a deed of "Sadharana" in consideration of the troubles that he took in getting the inam village to the Mutt. The inam settlement of the village was done in August 1874, and a title deed was issued in 1875. At the time of the inam settlement it was found that the village was in the enjoyment of the parties 2 to 14, the latter possessing the one-fourth village for the last 83 years. It was found that according to the sarvamanya accounts of 1837 the Swami was in possession of three-fourths village of a beriz of Rs.68-4-1 and the alienees of one-fourth of a beriz

to the Inam Superintendent and got the lands of their respective shares measured and divided between them, a Gumasta having been appointed by Government to survey the village. At the inam settlement it was directed at the request of the Swamigalu that the title deeds should be made out in the name of the manager for the time being only, the names of the alienees being however registered in column 15 of the inam register. The alienees and their successors in title have continued in possession of their share all along.

2. Survey and settlement having been introduced into the village, the Mutt filed a suit in the Munsiff's Court, Bangalore, in O.S.No.782/27-28 for the recovery of certain arrears of kandayam and cesses due to it from the respondents on the ground that the latter was a tenant under the Mutt. The respondents contested the suit pleading that he was not a tenant but was along with others the absolute owner of one-fourth share of the village, this portion having been gifted about the year 1730 by the then Guru to his ancestor, Bhima Bhatta, in consideration of certain services rendered by the latter to the Mutt. The Mutt contended that the alienation was considered, and not recognised at the inam settlement of 1874 and that the alienee could not question the validity of the inam settlement. The Munsiff ordered that on the 29th October 1873 the inam Assistant Mr. C. Boob Rao

pointed out the alienation, but did not recommend its being set aside, while the Assistant Mr. V.N. Narasimha Iyengar opined that the alienation should not be recognised and that the inam Superintendent confirmed the sarvamanya free of tax, and held that the respondents and his co-sharers were owners of one-fourth share of the village by reason of the gift and that they were not liable to pay rent to the Mutt. This decision was upheld by the Appellate Courts including the High Court.

3. The Mutt thereupon sought the intervention of the Muzrai Department to set aside the alienation on the ground that the construction placed by the Civil Courts on the terms of the inam settlement was erroneous and that the Swami had no power to alienate and that Government as trustees of Muzrai Institutions should intercede and cancel the unauthorised alienation of Devadaya inam granted for the upkeep of the Mutt. The Muzrai Commissioner (the present First Member of Council) opined that while the Civil Court's decision, so far as it goes, is binding on the parties to the Civil Suit, it certainly does not derogate from the power of the Muzrai Officers to make an independent investigation into the circumstances of the alleged alienation of the lands and take such action as may be permissible and appropriate under section 30 of the Religious and Charitable Institutions Act. He accordingly referred the matter to the Muzrai Officer for enquiry and disposal in the first instance. He further

observed that in the marginally noted cases of alienation Government had ordered that the Mutt authorities should get back the alienated lands by paying suitable compensation to the alienees failing which the lands would be subjected to full assessment and left in the possession of the alienees, the extra revenue being made over to the Mutt as a cash grant and that all these cases were decided on the authority of the Chief Commissioner's notification of 1877 which is still in force in regard to alienations made prior to 1853 and that how far the present case was analogous to these and justified a similar treatment was a question which among others, should engage the attention of the Muzrai Officer.

1) Vide G.O.No.556/Muz 198-11 dated 31st August 1 17.
2) " G.O.No.560/Muz 772-08 dated 31st August 1 17.
3) " G.O.No.564/Muz 88-03 dated 31st August 1 17.

4. The matter was accordingly enquired into by the Sub Division Officer, Doddballapur. This officer held that according to the inam rules, when once the validity of the inam is established as the result of an enquiry, and a title deed is issued by the inam Commissioner, it is not competent to the Judicial Court to question the validity of the settlement and that in the present case the alienation not having been recognised in the inam settlement and no appeal having been preferred by the respondent to have their shares duly recognised and to obtain a title deed in this behalf, the settlement was binding on the parties. He further considered that the Inam Commissioner was invested with discretion in disposing of cases of un-

unauthorised alienations and that presumably he exercised his discretion, and rightly refused to recognise the claims of the respondent's ancestors. He held that this was a case of unauthorised alienation of Devadaya lands, and directed a restoration of the property to the Mutt after summary resumption. Referring to the cases cited by the Muzrai Commissioner, he held that they were all cases in which the alienation was for sufficient consideration, while the one under consideration was one of gift clearly unauthorised and that therefore the resumption should be ordered without payment of compensation. He also relied on the decision of Government in Muzrai Appeal No.10 of 1929-30 (resumption of inam lands belonging to Sri Yogananda Mutt, Yedatore).

5. Bapu Shama Rao, (respondent before Government) appealed against this order to the Deputy Commissioner, Bangalore District. This officer agreed in effect with the Sub Division Officer and held that as the settlement had been made by the Inam Commissioner, its validity or the terms of inam settlement could not be questioned by the judicial courts, that the only remedy was by way of appeal to **Government** and that as the Inam Commissioner did not recognise the alienation but issued the title deed on the 7th September 1875 for the entire village in favour of the Mutt and the alienee did not appeal against it, the alienation could not be recognised. He found further that the Chief Commissioner's notification was issued on 17th November 1877, while the

inam enquiry was completed, and the title deeds were issued two years earlier under the inam rules of 1868, although the final title deeds incorporating the results of enquiry were issued in 1892 and 1898. While holding Sub Division Officer's order was correct, he directed on equitable grounds, in view of the long and uninterupted possession of the alienees, that they may remain undisturbed in possession of their portions subject to their paying the survey assessment like the other tenants and that in case the alienee did not accept this condition action might be taken to restore the share to the Mutt.

6. The respondent, Bapu Shama Rao, appealed to the Muzrai Commissioner against this order. The Muzrai Commissioner referring to his predecessor's order observed that the mutual rights of the two parties had been decided by the Civil Court and that therefore it was not necessary for the lower court to consider the respective claims of the parties in the manner in which they had done and that the only question for consideration was whether the Muzrai Department could or need interfere in respect of the alienation in question and held that it could not so interfere. In his view, the Chief Commissioner's Notification of 1877 applied to the case and as alienation was made in 1730 very soon after the original grant and this share was in possession of the alienee as borne out by the sarvamanya account and as on the application of the parties in 1861 to the Divisional Superintendent, the respective shares

of each were got measured and divided between them and as thus the alienation was acquiesced in by the Governments of the country from time to time the alienation ~~xx~~ should be respected and the lands confirmed without the imposition of any quit rent.

7. The Mutt has now appealed against this order, and urged the following grounds:-

(1) The Muzrai Commissioner should have respected the inam settlement proceedings held in 1874 and the final order of the Inam commissioner, who set aside the alienation and ordered registry in the name of the Mutt. These proceedings are conclusive between the parties.

(2) The respondent's ancestors were parties to the settlement proceedings, and did not choose to prefer an appeal.

(3) This case is on all fours with Muzrai Appeal No.10 of 1929-30 before Government.

(4) The Muzrai Commissioner's order is extraordinary and unwarranted and beyond his competence as he has permitted the respondent to enjoy the lands free of all charges and the Mutt is burdened with the liability to pay the entire quit rent.

(5) The Muzrai Commissioner has attached undue importance to the Chief Commissioner's notification of 1877 and lost sight of the Legislative enactment of 1927.

8. The first point for consideration is the effect of the inam settlement as regards the rights of the parties and the non-recognition of the alienation. A reference to the proceedings of the

settlement as disclosed by the inam register shows that although parties 2 to 14 (the alienees of one-fourth share) were mentioned in column 15 of the register as being in enjoyment of the share for a long time and the enquiry also disclosed that they were in possession for 83 years on that date, these alienees were not made parties to the proceedings and they were not also questioned. The only statement which was taken was that of the agent of the Mutt. No action was taken to resume possession of the one-fourth share which had been carved out of the village and was in the enjoyment of the alienees. It cannot therefore be said that the alienees were parties to the settlement and acquiesced in the non-recognition of their claim of share. Hence no question of any appeal by them arises.

9. Secondly as regards the effect of the entries themselves, the mere fact that the inam was registered in the name of the Mutt does not amount to setting aside the alienation and recognising the Mutt as the sole inamdar. In this connection kind reference is invited to the observation made by Government in para 3 of Government Order No. 916-17 Muz. F. 10-95 dated 18th August 1905. This was a case relating to inam Mudalodu village, which was at the time of the inam settlement in the enjoyment of alienees. The inam Department did not confirm the village in the names of the alienees but merely mentioned the point of enjoyment and pointed out the necessity of some rules to deal with such alienations and in the result confirmed the village in the name of the Mutt and the question of alienations was left untouched and perhaps to be dealt with by Government under the

rules prescribed in that behalf. Government observed that the matter of the alienation has to be dealt with under the rules contained in the Chief Commissioner's Notification of 1877. This case is similar as the alienees' names find a place in column 15 and the whole village has been made out in the name of the Mutt.

10. Further the inam Commissioner has no power to adjudicate on disputed claims as by the Chief Commissioner's order of 1872 (9th May 1872) the Judicial powers exercised by him were withdrawn and such claims were left for disposal by the ordinary Civil Courts.

11. Thus the question of alienation was clearly one to be decided with reference to the rules of 1877. Even according to the Proviso to section 30 of Religious and Charitable Institution Act 1927, this alienation, which was admittedly one prior to 1853, was one to be dealt with under this notification. The order of the Muzrai Commissioner dated the 8th May 1935 also directed that such action should be taken as was permissible and appropriate under Section 30 of the Religious and Charitable Institutions Act. In view of the specific provision in the Act, there is no substance in the point raised in para 7 of the appeal memo. The alienation in this case clearly falls under para 274 (2) of Revenue Manual as the alienation was admittedly over 50 years prior to 1867. The rule directs that in such cases the lands should

be confirmed to the holders on the terms prescribed in the land inam rules and excluded from the title deed. The alienation has therefore to be respected. In this view the Muzrai Commissioner's order seems correct. As regards the three cases of 1917 referred to in the Muzrai Commissioner's order of 1935, it is submitted that in all these cases Government were not satisfied that the alienation was sufficiently old to justify the confirmation of the alienations. In all these cases out of the consideration for the alienees' long enjoyment, they offered the Mutt the choice of recovering the villages on payment to the alienees of a reasonable compensation and directed that, in default of payment, the villages might be subjected to full assessment and left in the possession of the alienees, the extra revenue being made over to the Mutt, as a cash grant.

12. As regards the case of lands of Sri Yoganarasimha Swami at Yedatore on which the Sub Division Officer relies, ~~relies,~~ it is respectfully submitted that there is nothing to show if the application of the rules of 1877 to the case was considered in that case and consequently the order passed therein cannot be applied to this case.

13. The next question, which arises, is as to what are the terms subject to which the lands should be left with the alienee. The Muzrai Commissioner has held that he is not to pay any quit rent. This being a sarvamanya village, no jodi or quit rent is paid by the Mutt, and so there is no substance in the

contention of the appellant that while the Mutt has to pay quit rent on the entire village the respondent is let off scot free. While the Mutt has lost all rights or interests in the one-fourth share the alienees cannot, it is submitted, be permitted to hold their share without payment of any quit rent to Government. So far as this share is concerned, the conditions of the grant viz., utilisation of the income for the Mutt has failed, and consequently while the land may continue with the alienees, it should be fully assessed and removed from inam tenure and the alienees made to pay the assessment to Government Although the Mutt by its act has forfeited all claims to the assessment, the question of regranting the assessment to the Mutt as a cash grant is entirely at the discretion of Government.

7/3

Serial No.

ORDER.

17) The Muzrai Commissioner's Order, in so far as it confirms the alienation of 1/4th share in the village in favour of the alienee, is in accordance with the Chief Commissioner's Notification No.266 dated 17th Novr. 1877 and does not call for any modification. The claim of the Sri Uttaradi Mutt to the alienated share of the village is inadmissible. The appeal is therefore, dismissed.

18. The Muzrai Commissioner has, however, ordered that the respondent alienee need not pay any quit rent. This ignores the specific provision in the rules of 1877 that the lands should be confirmed to the holders on the terms prescribed in the Land Inam Rules and should not be included in the title deeds granted by the Inam Department to the religious institution. On the recognition of the alienation, the alienated share becomes a personal inam in the hands of the alienee, and under rule VI(d), the enfranchisement of the inam is compulsory. The entire village is at present an unenfranchised inam and under the above rule, the alienated share has to be enfranchised by the imposition of a quit rent. The Superintendent of Inams will therefore take steps to have the alienated portion of the village enfranchised

NOTE—Contn Sheet.

W D 0544—GPB—30,000—2-9-38

by imposing the quit rent according to rules and to issue a revised title deed to Sri Uttaradi Mutt.

MJ
16-3-39

19 Issue draft in No 1540-3 of 17.3.39 returning the claim of Sri Uttaradi Mutt to the alienated share of the Kandamangalam Nadar and Kariyamanickam Village, Srivaikuntam TK and DS mincing the appeal.

Memo No 1544 of 17.3.39 to the agent of Sri Mutt forwarding copy of the order passed on the appeal laid by him.

Memo No 1545 of 17.3.39 to the respondent forwarding for information copy of the order passed on the appeal case

B
24/3/39

A Sealed Cover given this day by the Asst. Sec is attended
DS 25/9/39

General and Revenue Secretariat Mazz File No. of 1938-9 App F. III—2

Serial No.

OFFICE OF THE
FIRST ASSISTANT
JAN 5 1939
4861

1) A list of Marwari appeals pending is submitted. There were five records for hearing and record has yet to be received in the remaining 8 cases.

2) In all these cases in which except No. 1 of List III, the appeals are against the order passed by the Second Member of Board in Marwari Commission. The Member to whom the matter was submitted was pleased to say that these appeals may be submitted to the First Member.

3) Submitted for further instructions

Sd/-
5/1/39

(1st Member)

I have no objection to hear these appeals
Please obtain the Dewans orders

I made a oblique of First Member
to be put on to dispose
of these appeals Dewan)

Sd/-
5-1-39

5/1/39
Sd/-

NOTE—Contn Sheet

WD 0514—GPB—30,000—2-9-83

The A may please see the
about the dates of future cases

General Secr

Please see Memorandum written on the Red Boards file.

Ltr 6/11/39

Cases have been posted to 9th & 11th July 1939. Kind attn is invited to the list of cases in I (i) (2) (iii). If agreed, the first two cases will be posted to 9th & the 3rd Case pertaining to 11th.

X K.

Ltr Thursday

Ltr Saturday

Ltr 10/11/39

Orders are solicited as to the time at which the parties & their respective counsel/agents should be present in this Office on the date of hearing. For the last 4 yrs we were informing them to be here at 2 P.m. for each of this month. Continued or they should be asked to be there an earlier hour this.

Ltr 9/8 23/Thurs/11.39.

The Board sits from 1 P.M

Notice from the Asst. Secretary

Ltr 23/11/39

यज्ञविठलाचार्य, एजेन्ट्, श्री उत्तरादिमठ.

AGNIHOTHRI
VIDWAN VITTALACHARYA
AGENT
UTTARADIMUTT

SHANKARAPUR, BANGALORE

27

Date 22. 1. 39.

GENERAL SECRETARY
20 JAN. 1939

The Secretary
Court of Wards.
Bangalore

Sir,

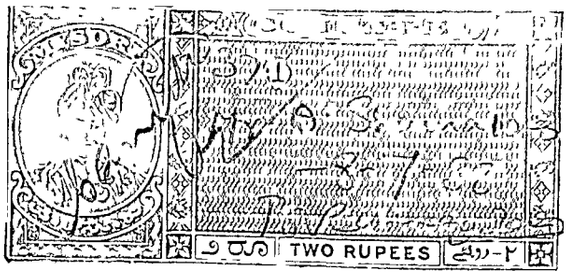
I give below the names and addresses of Petitioner and Defendant in Appeal no pertaining to Sawamanya Narayanakere Village in Hoskote Taluk, Bangalore Dt.

1. Address of Petitioner.
Agnihotri Vidwan Vittalacharya,
Palace Vidwan. Agent Uttaradimutt. Basavanagudi

2. Address of Defendant.
Bapu Shamarao & Co N. Bhimachar & Bros no 52.
Sri Pattanna Chetty Road. Chamarajapet. Bangalore.

Yours obediently
अ. य. वि. उ. मा. म

REVENUE SECRETARIAT
8 JUL. 1938
MUZRAI B



BEFORE THE GOVERNMENT OF H.H. THE MAHARAJA OF MYSORE

AT BANGALORE. Muzy 14-38-1

Muzrai Appeal No 6 of 38 - 39.

BEFORE THE MUZRAI COMMISSIONER IN MYSORE, BANGALORE

Muzrai Appeal No 29 of 36 - 37.

BEFORE THE DEPUTY COMMISSIONER, BANGALORE DISTRICT

Muzrai Appeal No 13 of 36 - 37.

BEFORE THE ASSISTANT COMMISSIONER, DODBALLAPUR SUB-DIVISION

Muzrai Case No 1 of 35 - 36.

APPELLANT:- Sri Uttaradi Mutt by agent, A. Yegna Vittalachar, Uttaradi mutt buildings, Shankarapur, Bangalore City.

-: Vs :-

RESPONDENT:- Bapu Shama Rao, Sarvamanya Narayana-kere, Hoskote Taluk, Bangalore District

Under Section 38 Clause 2 of the Mysore Religious and Charitable Institutions Act 1927, the appellant abovenamed begs to prefer this appeal against the order of the Muzrai Commissioner in muzrai appeal No 29 of 36 - 37 reversing the order of the Deputy Commissioner, Bangalore District in muzrai appeal 13 of 36 - 37 on the following grounds:-

1. That the Learned Muzrai Commissioner erred in holding that the decision of the High Court was conclusive between the parties and that the parties should not be permitted to restart the liti-gation on the muzrai side.

2. That the Muzrai Commissioner should have held that the civil courts in the state inclu-ding the High Court had no jurisdiction to divide a devadaya unenfranchised inam into shares among dis-putants claiming title thereto. He entirely lost sight of the matter that it was on this ground alone that his learned predecessor, Mr. N. Madhava Rao who is now the 2nd Member of the Council that passed the order directing the Muzrai Office to investigate the matter under Section 30 of the Religious and Charita-able Institutions Act.

3. That the Muzrai Office after enquiry held that

(a) the Sarvamanya Narayana Kere was a Devadaya unenfranchised inam granted for the up - keep of the Mutt at Hole-Narsipur

(b) that the alleged gift of one fourth share in the village by the previous Swamiji in favour of the respondent's ancestors was clearly unauthorised

(c) that the question gift was considered at the time of inam settlement and was decided against the respondents

(d) that the whole village was registered as Devadaya in the name of the manager of the Mutt for the time being and that it is the manager of the Mutt that has been paying the entire quit - rent paya-ble for the whole village to the Govern-ment

(e) that the respondent's claim was untenable and passed an order for resumption of the ali-enated share in the village.

4. On appeal by the respondent, the Learned Deputy Commissioner passed an order that in view of the long possession of the respondents their possession need not be disturbed provided they do pay the assessment on the lands to the appellant Mutt.

5. On appeal by the respondent the Mu-zrai Commissioner has passed an order under appeal which is to the following effect:-

" According to the Notification of 1877 the lands have got to be con-firmed to the respondent without the imposition of any quit - rent.

6. The appellant respectfully submits that the order of the Muzrai Commissioner is illegal and ultravires for the following reasons:-

(a) The Muzrai Commissioner should have respected the inam settlement pro-ceedings held in the year 1874 and the final order of the Inam Commissioner who set aside the alienation and ordered re-gistry of the entire village in the name of the Mutt. These proceedings are con-clusive between the parties and the Mu-zrai Commissioner was not justified in ignoring them. It is significant that he has not said a word in his order about the decision of the Inam Commissioner although he has narrated the history of

history of the case as set down in the Inam settlement Register

(b) the Muzrai Commissioner failed to see that the respondent's ancestors who were parties to the Inam settlement pro--ceedings did not choose to prefer an appeal to the Government against the order of the Muzrai Commissioner and have his order set aside,

(c) the very fact that the entire village stands in the name of the Mutt even to this day clearly shows that the respon--dents have absolutely no title to any portion of the village

(d) the Muzrai Commissioner failed to con--sider the order of the Government in muzrai appeal No 10 of 29 - 30 in the matter of the resumption of Inam lands endowed to Sri Yogananda Mutt at Yeda--tore which were in the possession and enjoyment of one of Shamasastry. The appellant respectfully submits that this case is an all fours with the present case. The gift in that case was in the year 1816. In 1835 then Swami objected to the gift and the matter went up on appeal before the Superintendent of Astagram Division in Appeal No 44 of 1842 who gave a decree in favour of the Donee. In 1874 the Inam Commissioner refused to recognise the gift and dir--ected the registry of the lands in favour of the Mutt. The Donee's descen--dants continued to be in possession of

in possession of the lands. In 1927 the present Swami moved the authori--ties for resumption of the lands. The Deputy Commissioner ordered resumption.But the then Muzrai Commissioner ordered that the Donee should be treated only as a tenant and that be permitted to be in possession of the lands if he paid assessment to the Mutt. This order was confirmed by Government. Al--though this case was brought to the notice of the Muzrai Commissioner at the time of hearing he failed to consider it or even refer to it in his order,

(e) the order of the Muzrai Commissioner confirming one fourth of the Inam village to the respondents without the imposition of any quit rent is extraordinary and is unwarranted is beyond his competence. He has burdened the appellant - Mutt with liability to pay the entire quit rent due on the village to the Govern--ment but has permitted the respondent to en--joy the lands free of all charges - a posi--tion which is not contemplated by any law in the state. The order has virtually resulted in a partition of Devadaya Inam granted for a specific religious purpose.

7. The Muzrai Commissioner erred in attaching undue importance to the Chief Commissio--ner's notification of 1877 and in completely losing sight of the later Legislative enactment. In the light of the provisions contained in the Mysore Religious and charitable Institutions Act, 1927, the rules pro-mulgated by the Chief Commissioner should be deemed to have been superceded or modified to such an extent

as not to collide with the provisi

The Act makes a clear difference between the inam lands endowed to Muzrai Institutions other than mathas and the mathas themselves. Ef:- Sections (1) and 30 of the Act. It is significant that the second proviso to Section 10 has been omitted in dealing with inam lands belonging to mathas implying thereby that alienations in respect of matha properties should not be countenanced at all. The rules of 1877 came only as supplementary provisions under section 30 and cannot therefore operate against the action directed in the section itself.

8. The recitals in paras 2 and 3 of the order of the Muzrai Commissioner are one sided and irrelevant. The several entries in the Inam register viz, the Karvamanya accounts of 1857, the application of the Guru and the heirs of the alinee to the Division Superintendent in 1861 etc, are made to facilitate the final settlement of the Inam and to form the basis of any future order. All this became nullified when the Inam Commissioner refused to recognise the alienation and settled the entire village in favour of the matha.

9. The order under appeal is clearly unsustainable. The Muzrai Commissioner should not have set aside the well considered orders of the Deputy Commissioner and the Muzrai Officer.

10. Wherefore, the appellant prays that the Government may graciously be pleased to set aside the order of the Muzrai Commissioner and restore that of the Deputy Commissioner. The order of the Muzrai Commissioner was communicated to the appellant's

to the appellant's advocate on 25/4/38. He applied for a copy of the order on 26/4/38 and obtained the same on 27/4/38. The appeal is therefore in time.

अ. ध नागेश आचार्य:
बंगलोर श्री उनादिग
Bangalore

Date 8. July 1938.

L Narasimha
ADVOCATE FOR APPELLANT

Official Memorandum No.85/Muz. 14-38- 2 dated 19th July 1938 from the General Secretary to Government to the Muzrai Commissioner in Mysore.

- oOo -

The accompanying appeal petition Reg. No. 28 dated 8th July 1938 received at the General and Revenue Secretariat from the Swamigalu of Sri Uttaradhi Mutt, appealing against the orders of the Muzrai Commissioner in the matter of the resumption of 1/4 share in Sarvamanya Narayanakere village, Hosakote Taluk from Bapu Rao Shama Rao and others and restoration of the same to the Mutt is forwarded with compliments, to the Muzrai Commissioner in Mysore, for submission of entire records connected with the case together with a report on the points urged in the petition.

- oOo -

Memo No.H.C.7/38-39 dated 27th July 1938 from the Muzrai Commissioner in Mysore, Bangalore.

- oOo -

Copy is forwarded with compliments to the Deputy Commissioner, Bangalore District, with reference to this office order No.App.29/36-37 dated 25-4-1938 with a request that a report with records may be sent at a very early date.

- oOo -

No.C3-r.R.46/38-39. Office of the Deputy Commissioner,
Enc: One. Bangalore District,
Bangalore, dated, 3rd August 1938.

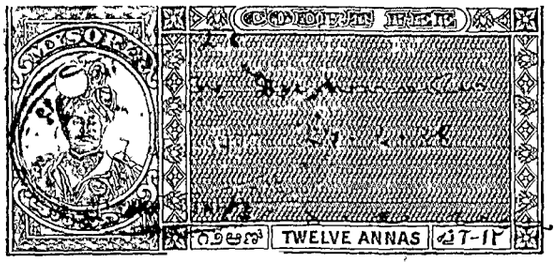
739/38-39

4 AUG 1938

Memo.

Copy of the above is forwarded to the Sub Division Officer, Dodballapur Sub Division, for a detailed report on the points urged in the appeal petition together with the connected records within a week from this date.

For Deputy Commissioner,
Bangalore District.



Court of the Mysore Commissioner in Mysore.

Appl: 29/36-37.

Appellant:-

Rajan Shamarao Saswamanya Narayana-Rao village, Immigondahalli Hobli, Hoskote Taluk

vs.

Respondent:-

Sri Uttaradi Mutt by its Agent A. Yegna Vittalachar, Uttaradi Mutt Buildings Shankarpuram, Bangalore City.

Subject

Appeal against the order of the Deputy Commissioner, Bangalore District in Apps: 13/36-37 confirming with certain modifications, the Sub Division Officer order directing the resumption of 1/4 share of Saswamanya Narayanakere village from the appellant and restoration of the same to the Respondent Mutt

Facts of the case

Saswamanya Narayanakere village in Hoskote Taluk, is a Devadaya Inam granted to the Respondent Sri Uttaradi Mutt for support in 1717. The previous swami of the Mutt (the original grantee) is stated to have gifted away 1/4 share of the village to one Shivabhatta ancestor of the Appellant in consideration of the trouble the

donee took in granting the inam granted to the Mutt. During the inam enquiry the alienation was noticed; but whole village was settled in favor of the Respondent-Mutt on the request of the then presiding Swamigalu, the names of the alienees being however registered in Column 15 of the inam Register. The alienees have continued to be in possession of the 1/4 share all along.

In connection with the recovery of certain arrears of Kandayam; the Respondent Mutt filed a suit in the Second Munsiff's Court Bangalore, against the alienees (Appellant), who contended that they were not tenants but absolute owners. The Mutt on the other hand, contended that the question of alienation having been gone into and not recognised at the Inam Settlement in 1874 the alienees were estopped from questioning the validity of the Settlement. The Munsiff held that the alienees were absolute owners, as the alienation was not specifically set aside by the Inam Commissioner. The judgment and decree were upheld in appeal by the Sub-Judge and the High Court.

The Respondent Mutt, thereupon invoked the aid of Government in the Revenue Department to set

aside the alienation and it was observed in this Office order No. A.C. 441/33-34 dated 8th May 1935, that while the decision of the Civil Court was binding on the parties concerned, there was nothing to prevent an independent enquiry being held re the alleged circumstances of the alienation under Sec: 30 of the Religious and Charitable Institutions Act and the case was accordingly remanded for enquiry & disposal by the Muzrai Officer, who was also asked to consider the question of payment of Compensation to the alienees as was done in respect of certain other alienations of the Mutt lands in the marginally noted Government orders

Government orders
No. 556/Mwz 198-11 dated 31-8-1917
" 560/Mwz. 772-08 " 31-8-1917
" 564/Mwz. 88-03 " 31-8-1917
} Government orders.

The Sub Division Officer, Gadag Hallapur, after enquiry, found that this was a clear case of alienation and therefore ordered its resumption and restoration to the Mutt. As regards payment of cash Compensation he has held that this case and the other cases referred to above in the Government orders referred to are not analogous in as much as this case purports to be a gift while the others are cases of alienations for some consideration and that, as such, the question of Compensation does not arise. The Deputy Commissioner

in appeal, has upheld the Sub Divisi Officer's order; but has in consideration of the long and continuous enjoyment of the alienees for over 150 years, directed that the Mutt should allow them undisturbed in the possession and enjoyment of the shares, subject to their payment of the Survey rates of assessment and that in case they do not accept the condition, action may be taken to restore the share to the Mutt.

Hence the appeal on the following, among other grounds.

(i) That the Deputy Commissioner has missed the real point at issue, viz the law applicable to cases of unauthorised alienations made prior to 1853. It is contended that the proviso to Section 3 is applicable to this case and that, as such, Rule III of the Chief Commissioner's Notification of 1877 should be applied.

(ii) That the date of alienation taken by the Deputy Commissioner as 1790 is not correct, as the gift was made by the original grantee himself immediately after the grant and that, as such, the date of alienation should be taken as 1730. In the Inam Register it is stated that the alienation was made during the year "Sadharana" but the cycle is not given.

(iii) That the date of issue of the Title Deed taken by the Deputy Commissioner as 1875 is also not correct as the final confirmation of the grant

itself was made in 1892 and by /

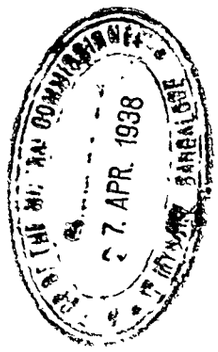
(IV.) That as the Inam Settlement Officers were not authorised to recognise alienations and much less to cancel or set it aside, the inam was made in the name of the original grantee, viz, the Mutt. The findings of the High Court in 39 Mysore High Court Reports is cited in support of this contention.

The case came up for hearing on 24-2-1938 when M.V. C. Kalkhmana Gowda B.A. B.L., for the appellant and Mr. D Shamarao, B.A., L.L.B., for the Respondent were heard.

Order No. Appl 29/36-37 Dated 6-4-38
2/25-4-38

There has been a considerable amount of confusion in the minds of the parties regarding the scope of the enquiry which the Sub Division Officer was required to make So far as the mutual rights of the two parties are concerned viz the Mutt and the alienees, they have been decided by the High Court and it is not proper that the parties should be permitted to reopen the litigation on the Munsif side. I may refer to the order passed by my predecessor in 1935. He observed on a petition presented to him by the Sri Uttaradi Mutt urging for action to take away the lands from the alienees and to restore

them to the Mutt, that Civil Courts decided that the alienee was not a tenant of the Mutt and so was not liable to payment, and that while this decision was binding upon the parties to the Civil suit it did not prevent the Muzrai authorities from making independent investigations and take such action as might be permissible and proper under Section 30 of the Religious and Charitable Institutions Regulation. It is therefore clear that it was quite unnecessary for the Lower Courts to consider the respective claims of the parties in the manner that they have done. I do not therefore propose to consider their mutual claims in this appeal. The question that has got to be decided is whether the Muzrai department need and can interfere in respect of the alienation in question. I am of the opinion that the Muzrai department cannot so interfere and my reasons for this view are given below.



2 The Chief Commissioner's Notification of 1877 clearly states that the Devadaya Inam lands alienated subsequent to 31st January 1853 should be summarily cancelled, that alienations of more than 50 years standing prior to 14

December 1867 should be respected and that alienations of less duration than of a date prior to 31st January 1853 should pay half assessment (Jodi) direct to the institution to which the inam originally belonged

3. In the case of the present alienation it was made in 1730, very soon after the original grant, which was made in 1717. The original grant was made by Dewan Nazib Khan and continued up to the time of Tippu Sultan who resumed it. In 1807 it was ordered to be restored to the Mutt by Dewan Purniah and it has ever since been in the enjoyment of the parties referred to in column 15 of the Inam Register, viz Mutt 3/4ths and the alienees 1/4th. The Sowamanya Accounts of 1837 show that only 3/4ths of the village was then in the enjoyment of the heirs of the donee. On the application of both the Inam and the heirs of the alienee to the Division Superintendent in 1861, the respective share of each was got measured and divided between them. It is, thus, clear that the alienation has been acquiesced in by the Governments of the Country from time to time

OF THE HIS HIGHNESS
7 APR 1938
BANGALORE

view of all these circumstances I have no hesitation in saying that the alienation is one which must be respected. I therefore hold that there is no necessity or justification to interfere with this alienation. According to the Notification of 1877 the lands have got to be confirmed without the imposition of any quit rent. I therefore set aside the Deputy Commissioner's order. So far as the mutual rights of the parties are concerned the matter has already been decided by the Civil Court & that decision will remain undisturbed.

Sd/ K. V. Anantaraman
Mysore Commissioner

Copy applied for by Mr. D. Shamarao on 26-4-38
" ready on 27-4-38
" delivered on 27-4-38
No. of words 1420.
Copying fees 1-14-0
Comparing -0-7-6
Total 2-5-6

Copied by S. Jayaramachar
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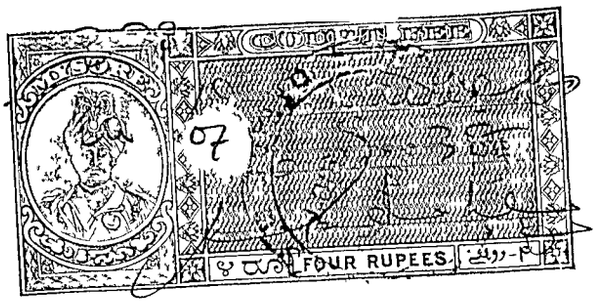
Asstt.
Mys. Comm's Office



Copy of Order prepared on the application of Sri Uttaradhi Mutt by Agent Mr A Yegnavittalachar, Uttaradhi Mutt Buildings Shankerpur, Bangalore City passed by the Deputy Commissioner Bangalore District on the appeal filed by the Appellant Mr. Bapu Shama Rao against the order of the Sub Division officer, Doddaballapur Sub Division directing the resumption of one-fourth Share of Sarwamanya Narayankere village which is in the appellants occupation and restoration of the same to the Mutt's possession.

In the Court of the Deputy Commissioner
Bangalore District.
Muzrai Appeal No 13 of 35-36.

Appellant.
Mr. Bapu Shama Rao
Sarwamanya Narayankere
Village, Hoskote Taluk

Respondent.
Sri Uttaradhi Mutt
by Agent. A. Yegna-
vittalachar,
Uttaradhi Mutt
Buildings Shankerpura
Bangalore City

Subject :- Appeal against the order of the Sub Division officer, Doddaballapur Sub division directing the resumption of one-fourth Share of Sarwamanya Narayankere

village which is in the appellan occupation and restoration of the same to the Mutt's possession.

Facts of the case:- In the year 1933-34, the Agent of the Uttaradhi Mutt petiti to the Mysrai Commissioner stating tha one Bapu Rao was in the occupation of one-fourth bissa in Sarvamangla Naragankere village, that he was not paying any Kandayam or cesses to t Mutt and that a Civil Suit filed in II Munsiff's Court, Bangalore, by the Mutt for recovery of the arrears had go against the Mutt ~~for recovery of the arrea~~ as the Court had held that the 1/4 biss belonged to Bapu ~~Rao~~ Shama Rao an his co-sharers absolutely by reason a gift in their favour made by a previ Swami about the year 1730, and this decision ~~was~~ had been upheld by the Subordina Judge and the High Court in appeal He added, however, that this decision w not binding on the Mysrai Departmen who were trustees of the Mutt and — requested that an independent — enquiry may be held and the law ordered to be resumed.

In passing orders ~~on~~ on this petition, The Mysrai Commissioner observed that though the decision of the Civil Courts so far as it went binding on the parties to the suit, it did not derogate from the power of the Mysrai Authorities to make an indepen dent investigation into the circum

circumstances of the alleged alienation and referred the matter to the Mamlatdar Officer in charge of Hosakote Taluk for enquiry and disposal in the first instance under section 30 of the Mamlatdar Regulation. He also observed that in several cases of alienation of Devadaya Dharm lands endowed to the Mutt, Government had ordered that the Mutt authorities may get back the lands by payment of suitable compensation to the persons in actual possession thereof and that the question as to how far the circumstances of the present case justified a similar treatment should also engage the attention of the Mamlatdar Officer.

The Sub Division Officer, Doddaballapur has accordingly taken the case on his file and passed orders after hearing the parties.

The history of the case so far as it can be gleaned from the Sub Division Officer's order is as follows:-

Sarvamanya Narayanthere village is an unenfranchised Devadaya Dharm granted in the year 1717 for the support of the Uttaradhi Mutt which has its headquarters at Hole-Narsipur. One-fourth of the share of the village is stated to have been granted to Bapeu Shamanna's ancestors about the year 1730 and this share has all along been in the alienee's family. When the Dharm settlement was introduced, the entire village was registered in the name of the Mutt with the exception of 1 acre and 4 guntas which was personal Dharm held by others. On 7th September 1858 a title deed in respect of the entire village

(with the above exception) was the Mutt. As the alienation was recognised at the original Inam settlement and as no mention of such rights to any share of the village is made in the title deed or the final quit rent Register, the Sub Division Officer has held that the appellant has no such right as is claimed by him to one-fourth share in the village and has directed that it may be resumed and restored to the Mutt. He has added that under the Inam Rules when the validity of the Inam has been enquired into and a title deed is furnished by the Inam Commissioner no judicial Court is competent to question the validity of the settlement and that appeals against the settlement should have been filed to Government within a reasonable time. Though the appellant had ample time, he has not taken any action to apply to Government and have his right recognised. The Sub Division Officer has therefore held that the Inam Commissioner's decision is final and that it is too late now to question it.

As regards the relief by way of compensation, the Sub Division Officer has stated that as the alienation in this instance was by gift and not for consideration this instance bore analogy to the instances referred to by the Mirasi Commissioner viz., those dealt with in the marginally noted Government orders. He, therefore

Therefore ordered that the present is a fit case in which resumption could be ordered without payment of compensation.

G. O. No. 556/Mwz 198-11 dated 31-8-1917
G. O. No. 560/Mwz 772-08 dated 31-8-1917
G. O. No. 564/Mwz 88-03 dated 31-8-1917

An appeal has been filed in this office against this order by Mr. Bapu Shanmuga Mud. The grounds of appeal urged are:-

1) That the resumption referred to in Section 30 of the Muzrai Regulation is not applicable to alienation made prior to 1853 and that as regards such alienation the Chief Commissioners Notification of 17th November 1877 applies.

2). That this alienation should be respected and the land confirmed to the appellant as the gift was made more than 50 years prior to 14th December 1867.

3). That the appellant and his co-sharers have been in possession of the 1/4 share since 1790, having had their share marked off by metes and bounds.

4) That the omission to note the appellant's right for the share in the title deed was probably due to the oversight of the notification of 1877.

5). That Government in the Muzrai department are even now competent to question the inam settlement and recognise the appellant's title and that it is only civil courts that are debarred from going behind the inam settlement.

6) That the Chief Court Notification of 17th November 1877 superseded the Inam Settlement 1868 in points where the two are inconsistent with each other.

7) That according to the Government Notification of 6th January 1882 issued in 1877 should not be in arbitrarily ~~[illegible]~~ given effect to for the benefit of the Inamdars who themselves the Chief Offenders in matter and that the appellants entitled to consideration.

8) That even as regards the grant of suitable compensation, the Sub-Division Officer has erred as the Gift was made not free but in consideration of valuable service rendered.

Order.

I ~~[illegible]~~ have perused the record and hear Mr. C. Lakshman Gowda on behalf of the Appellant and Mr Shama Rao for the Respondent.

The contention of the appellant that so long ago as the year 1790, one-fourth of this Sarwamanya village came into the possession and enjoyment of his ancestor B. Bhemabhatt by virtue of a gift in his favour by the then presiding guru of the respondent Mutt; that ever since then, he, his co-sharers and their ancestors have been in uninterrupted possession and enjoyment of this one-fourth share in the village, that the action of the Inam

Inam Superintendent in making out the Title Deed of the entire village (except for an extent of 1 acre and 4 Sunkas of minor personal Inam) in the name of the Respondent Mutt was manifest by an oversight of the Chief Commissioner's Notification No. 266 dated 11th November 1877 which contained the positive ~~Rule of Law~~ law on the subject, that under this Notification which is still the law in force for dealing with alienations of such Inams made prior to the 31st January 1853, the lands should be confirmed to the holders in this case in view of their long possession and enjoyment; and that the order of the Sub Division Officer, Dod Ballapur Sub Division, directing the summary resumption of the lands in question and of their restoration to the Respondent Mutt was erroneous and illegal.

It is contended on behalf of the Respondent that the Title deed was granted after enquiry so long ago as 1878; that the alienation in favour of the appellant's ancestor was not been recognized while issuing the Title Deed; that once the Inam settlement was made by the Inam Commissioner and Title Deed issued, it was not competent for any judicial courts of the State to question the validity of the Settlement, that it does not appear that the appellant or his ancestors took any steps to appeal to the Government

against this decision of the
Sioner all these 50 years and o
that, being an unenfranchised
daya Inam granted for the supp
of the Respondent Mutt, alienation
of one-fourth share of the Inam vill
by gift or otherwise, by a previous
Guru of the Mutt was clearly un-
authorised and invalid; and that, in
the circumstances, the order of the Se
Division officer directing Summar
resumption of the lands and their
restoration to the Mutt was fully
justified and in accordance with
the law on the subject.

It is admitted by the parties that
original grant of this Sarvamanya vill
was for the support of the Sri Mutt
Mutt at Holenarsipur. As such, this
Devadaya Inam was prima facie u
enfranchised and unalienable. But
a previous Guru of the Respondent Mutt
made a gift of one-fourth share of this
village to the ancestor of the appellant
about the year ~~1870~~ 1790. This was, of
course, unauthorised, as by the very
nature of the conditions of grant, the
village was not alienable. The
appellant's ancestors continued,
however, to be in actual possession
and enjoyment of this one-fourth
share. In 1864, the Inam Commission
was appointed for the investigation
and settlement of Inams, in the State,
and a set of Rules for their guidance
in this work were issued in 1868.

These Rules had the force of law (vide foot note to 180 of the Mysore Muzrai Manual 1934). The Inam Settlement Register embodies the facts ascertained during such investigation and the final settlement by the Inam Commissioner. It is provided under Rule 20 of these Rules, that on the validity of an Inam being established by enquiry prescribed under the Rules, a title deed shall at once be furnished under the signature of the Inam Commissioner. Rule 21 states that once the settlement has been made by the Inam Commissioner, the validity or the terms of such settlement cannot be questioned in any Judicial Courts of the State. The only remedy provided under the Rules, against the decisions of the Inam Commissioner, is an appeal to the Government (Rule XXII).

It is clearly established from the Inam Settlement Register pertaining to the settlement of this Sarvamanya Village, that the Inam Commissioner undertook the investigation in this case, in 1873, and that after conducting the enquiry prescribed under the Rules, the Inam Commissioner issued the title deed on the 17th September 1875. It is also seen from the said Register that the question whether the alienation in favour of the appellant's ancestor should be recognised while issuing

The title deed was pre
raised and finally decided
him by the Inam Commis
The latter accepted the recom...
tion of the Senior Assistant to th
effect that the alienation should
be recognised while issuing the
title deed was specifically raised
and finally decided against th
by the Inam Commissioner
and that the Inam which was gran
to the Mutt should be continued
thereto, under Rule V; The counter-
initiating by him on 5th August 1874
against this item in respect of whi
the Senior Assistant Mr. V.N. Narasim
Iyengar differed from the suggest
made in the office note (vide
ete column 19), was in definite
token of his accepting the Senior
Assistant's recommendation. And
is in pursuance of this decision the
the title deed was issued on the
September 1878, for the entire —
Sarvamanya Village (except for
minor personal Inam of 1 acre
4 Guntas) in favour of the Respond
Mutt. It does not appear that the
appellant Mutt or his ancestors wi
the Government, at any time in
appeal, to set aside this decisio
given by the Inam Commissioner
more than sixty years ago.

I, therefore, frankly confess that
I have not been able to follow the

The argument of the counsel for the appellant when he states that the title deed of 7th September 1875 was issued in overlight of the Notification of the 17th November 1877. By the time the latter Notification was issued, the enquiry had been completed and title deed granted in favour of the respondent Mutt two years earlier under the original Inam Settlement Rules of 1868, which had the force of law. I might perhaps add that at the time the titledeed was issued, the village had not been surveyed, and that the subsequent entries dated 19th July 1892 and 11th March 1898 in the Inam Settlement Register, in lieu of Mr. F. P. Grant, indicate the results of the survey measurements and the fixing of the survey assessment for purposes of record.

In the circumstances, the order of the sub Division officer directing the resumption of one-fourth Share of the Inam village in unauthorised possession and enjoyment of the appellant and his co-sharers is legal and correct, and I do not see any grounds to interfere with it.

There is, no doubt, however, that the appellant, his co-sharers and ancestors have actually been in possession and enjoyment of this portion, for over a hundred years - ever since 1790. The argument of the counsel for the appellant

that the original alienation was not a mere gift but was in consideration of the original donee having rendered very valuable service in getting back the Inam for the ~~Expectant~~ respondent Mutt in those times of trouble, does not appear to me convincing or at any rate conclusive on the point. The entry pertaining to this "Gift" (Vide Col. 18) in the Inam Settlement runs thus:- "Jagadguru Sreepada Guru of the Mutt made over 1/4 Share in the village in Gift to B. Bheemabhatt x x x x x x in consideration of the troubles the donee took in getting the Inam granted to the Mutt". It seems obvious that the ethics of transaction would be judged from slightly different standards in those days. However that may be, there is no doubt that if the appellant and his co-sharers are ousted from the Share which has been in their possession and enjoyment for nearly 150 years, it will cause considerable hardship. On grounds of equity, therefore I would direct that the Respondent Mutt allow them, undisturbed in the possession and enjoyment of their respective portions, subject to their paying the Survey assessment fixed, like any other tenants. In case the

the appellant and his co-sharers do not accept this condition, action will be taken to restore the share in question to the possession of the mutt for disposal in the best interests of the institution and agreeably to the conditions of the original grant. In the circumstances of the case, the appellant and his co-sharers are not entitled to any other consideration or compensation.

With these modifications, I confirm the order of the Sub Divisional Officer, Doddaballapur Sub Division.

Sd/- V. Vedavyasachar
Deputy Commissioner
Bangalore District

Dt 5th March 1937.

Copy

By order,

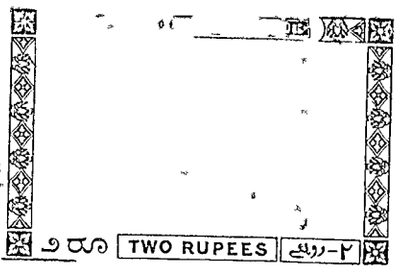
District Shereistadar,
Deputy Commissioner's Office,
Bangalore District

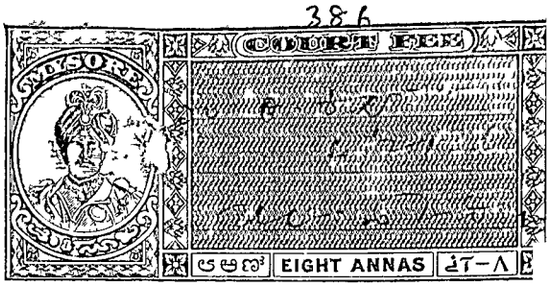
Copy applied on 23-3-1937
Copy ready on 27-3-1937
Copy delivered on 27-3-1937
Copies 1 & Number 1
Compared by Venkatadri

Number of words 2612.
Copying fee 3-6-0
Comparing fee 0-13-6.

Produced and Court fee Stamp to the value of Rs 4/- for me today (4-7-1938) and Court fee affixed.

7/7/38





Copy prepared on the application of Mr D Shama Rao Advocate, Bangalore City, for the petitioner Sri Mahadeshwaraswami Devasthanadar, in lieu of its Agent A Yeshwanthadar, in Muzrai Case No 1/35-36 on the file of this Court, dated 4-2-36, praying for the grant of a copy of the order in the above Case.

In the Court of the Assistant Commissioner
Doddaballapur Sub division
Bangalore

Muzrai Case No 1/35-36

Petitioner
Sri Mahadeshwaraswami
by Agent Pandit Palace
Vidwan A. Yeshwanthadar
Shankarpur Bangalore City

-- Counter petitioner (or opposed)

vs Bapu Shama Rao & others

Subject - Prayer of the petitioner Muzrai that 1/4 Share of Sarvamanya Narayana Kere village in the occupation of the Opposite and others by virtue of an alleged gift made by one of the previous Swamies of the Mutt, might be restored to the Mutt

Facts of the Case:- The petitioner presented a petition No pc 41 of 1933-34 to the Muzrai Commissioner, in Mysore, stating that Sarvamanya Narayana Kere village was an in-am granted to the Devadaya Dharmada for the maintenance & upkeep of the Mutt at Doddaballapur, the Head Quarters

PUR SUB DIVISION
15 FE 1936
BANGALORE

of the Trust in question. State that
in the said village was in the enjoyment of
the opponents ancestors, that after the institu-
of the petitioners, Survey and Settlement
was introduced into the whole village
in 1925-26, that the lands in the possession
of the opponents were also assessed, that the
opponents refused to pay the assessment
fixed and claimed to be owners of 1/4 share
in the village, that this claim is untenable
and the petitioner must prayed that the
lands in the occupation and enjoyment
of the opponents be restored to the Trust.
This petition has been referred to this Office
for enquiry and disposal under the Charit-
table and Religious Institutions Regulation.

The following persons who
were known to be interested in the case
have been included as parties and notices
were issued and forwarded on them.
(1) B. Krishna Murthy Rao, (2) Bapu Nayeska
Rao, (3) Shanbhaga Narayana Rao, (4)
Ramachandra Rao, (5) Sreenivasa Rao, (6)
Bapu Rajendra Rao, (7) Bapu Shama Rao,
(8) V.B. Ananta Rao. The opponents, Bapu
Shama Rao and Bapu Krishna Rao, appeared
during the enquiry and filed their State-
ments. The other opponents have remained
ex parte. Sri C. Lakshmana Gowda, Advocate
appeared for the opponents and the Advocate
for the petitioner was Sri D. Shama Rao.

Order

Sahyadri Narayanakere village is
an unenfranchised devadaya Inam
granted in the year 1717 for the support
of the Sri Kshetradi Trust. The petitioner

petitioner Trust has produced an
Copy of the Iram Register relating to the
Both the parties base their Claims upon
this document in support of their Case
Column 11 of the Iram Register gives the
history of the Grant. Columns 15 and 18
give the name of Trust and the names
of Subsequent owners of 1/4 Share of
village paragraph 7 of Column 20, shows
that the Title deed of the Iram was to
be made out in the name of the Manager
of the Trust for the time being only, and
this was Confirmed by Mr. J.P. Grant
on 19.7.1892 paragraph 15 of Column 2
shows the total area and assessment
and only an extent of one acre and
four guntas was excluded as Iramar
Iram and the balance of 12 64 acres
8 guntas was Confirmed free of tax.
Subsequently on 4th September 1897, the
Grant has been Confirmed to the petitioners Trust and Title deed No. 1645 was
made out (vide Column 2 of the Final
Quit Rent Register)

The opposents admit the
fact mentioned in the document re-
ferred to above and also admit that
the gift of 1/4 Share in the village in
favour of their ancestors as long
maintained. But it is contended on
their behalf that under the Chief
Commissioner Notification, Iram

Computing the period
14-2-1867 have to be turned as
to the holders and that the original Inamdar's
title cannot be recognised in respect of
such lands.

2 That the possession of the oppo-
nents cannot be disturbed and that they
are liable to pay prorata share of the
Gaut-Rent due for the village.

3. That the order of the Inam
Superintendent Confirming the grant
and making out the Title deed in favour
of the Inamdar, does not mean that the
alienation was set aside, as he had no
powers to do so, and that the order has
not been followed up by resumption of the
lands alienated.

4) That though the title deed
is made out in the name of the Inamdar
their rights are not affected thereby on
the analogy of the pattas of Government
lands being made out in the name
of a Khatedar but not affecting the
rights of Shikmidars (inferior holders).

On these grounds, the learned
Advocate for the opponents, Contends that
the petitioner Inamdar has no right to 1/4
share of the village and that the lands
should be Confirmed to the opponents on
the terms prescribed in the Land Inam
Rules.

On behalf of the petitioner
Inamdar Mr. D. Shamrao, Advocate Contends
that the recitals in the Inam Register

are quite clear, the alleged gift was not recognised and the title deed was out for the whole village in the name of the trust and that therefore the lands in the possession of the opponents be resumed and restored to the trust.

I have examined the documentary evidence produced by the petitioner-trust and relied upon by both the parties. According to the Waqf Rules, when once validity of the Waqf is established as the result of an enquiry, and a title deed is furnished by the Waqf Commissioner, it is not competent for any judicial Court to question the validity of the Settlement and appeals against the Waqf Commissioner's decisions should be made to Government through a definite period within which such appeals should be preferred, is not provided the appeals are intended to be filed within a reasonable time having regard to the provisions of the ordinary law of limitation. In the present instance, it was open to the opponents to have their share viz 1/4 of the village duly recognised by filing a regular appeal against the order of the Waqf Superintendent and get their name registered and obtained a title deed. No evidence is produced to show if any such step were taken by the opponents and the issue of a title deed for the whole village in the name of the trust, so recently as 14.9.1897

FEB. 1956

as per extracts of the Quit
Register Conclusively proves that the alienation
by the previous Swami was not recognised
by Government, as the gift in favour of
the opponents' ancestor was essentially
a violation of the Conditions of grant
by alienation - has been drawn to the fact
that according to old order on the subject
viz the Chief Commissioner's Notification
No. 266 dated 17th November 1877, the oppo
nent should be given relief. But even
here, as per Government order No. 7704-
12-234 dated 6th January 1892, the order
of 1877, cannot be indiscriminately given
effect to, with regard to the treatment
of alienated Service Inam lands. The
Inam Commissioner was vested with
discretion in disposing of cases
of unauthorised alienation. When
the title deed was made out in the
name of the Inamdar as per Quit Deed
Register dated 14.9.1897, it is presumed
that the Inam Superintendent did exercise
his discretion and rightly refused to
recognise the claims of the opponents'
ancestors. But at this distance of time,
it appears unnecessary to go behind
the Inam Settlement which is binding
on the parties.

The Inam Commissioner
has referred to the three marginally
noted Government orders dealing

dealing with cases of Devadaya lands belonging to the petitioner Mutt (where Government have ordered that the Mutt authorities should get back the alienated lands by payment of suitable

to the persons in actual possession thereof, failing which the lands should be subject to full assessment and left in the possession of alienees) and directed that it should be ascertained how far the present case should be considered to be on a par with the cases mentioned above and that in all the three cases, the alienation by the petitioner Mutt was for a Sufficient Consideration. But in the present instance, the alienation is by way of gift which was clearly unauthorised. This is therefore a fit case in which resumption of lands should be ordered without payment of compensation.

Cp. No. 5336/Inam 198-11 Dated 31-8-1917
5360/Inam 3779-08 Dated 31-8-1917
5364/Inam 88-08 Dated 31-8-1917

The learned Counsel for the petitioner Mutt has filed a certified copy of the order of Government in Inam Appeal No. 10 of 1929-30 in the matter of the resumption of the Inam lands endowed to Sri Yogananda Swami at Yedatore, alleged to be in the possession and enjoyment of one Y. Rama Sastry

In this case, both the Deputy Commissioner and Inam Commissioner refused to recognise the claims of Y. Rama Sastry, which were held to be inconsistent with the condition of

ADDL. DISTRICT MAGISTRATE & SUB COLLECTOR
CHALLAPUR SUB DIVISION
25 FEB. 1936

clearly against the interests
His order was upheld
in appeal. The circumstances of the
case now under enquiry in this Court are
exactly similar. The lands in the pos-
session of the opponents were granted for
the support of the Inam and the pre-
vious Sramanjaka had no power to
alienate the Devadaya Inam. The
opponents have not taken steps either
at the time of the original Inam Settle-
ment or within a reasonable period
after it, to have the tenure of the Inam
land changed from Devadaya to personal
Inam

The learned Counsel for the
opponents argued, with reference to the
decision of the Mysore High Court in Second
Appeal No. 75 of 1933-34, (the parties being the
petitioner Inamdar and opponents in this
case) that the Inam Superintendent
was not competent to interfere with
the Contractual relationship existing
between the parties, long anterior to the
Settlement operations, and that it was
not open to him to convert a proprietary
right into that of tenancy. But it
has to be pointed out in this connection
that though such a decision by a
Civil Court is binding on the parties
to the Civil Suit, it does not pre-
clude action being taken by the

Inam Officer under the Religious and Charitable Institutions Regulation. As a result of the enquiry, I find that there has been unauthorised alienation of Devadaya lands endowed to the petitioner Mutt and this is a fit case in which Government should interfere in view of the importance of the Mutt and therefore I order under Section 30 of the Religious Charitable Institutions Regulation the summary resumption of lands and restoration of the same to the possession of the petitioner Mutt.

Dated 15.1.1936

(Sd.) Bhaskaradeva
Assistant Commissioner
Doddaballapur Sub division

Copy applied for on 4-2-36
Copy ready on 20-2-36
Copy delivered on 25-2-36
Copy prepared by: T. Kalleswaraiah
Compared by: Mohammad Hussain

Copy
G.L. Narain
Head Clerk
Doddaballapur Sub div

SUB DIV... 25 FEB. 1936 ... BANGALORE

No. of words: 1840
Copying fees 2-6-0
Comparing fees 0-9-6

TWO RUPEES

Before the government & His Highness the Maharaja of Mysore in Bangalore.

In the Court of the

Miscellaneous Appeal No. OF 1938-1939.

Petitioner—Appellant—Plaintiff | *Respondent—Defendant—Opponent*

Appellant

Sri Vittaladi mutt by agent A Yegna Vittala Rao

Vs.

Respondent

Bapu Shamarao

1. I the appellant above-named do by these presents retain **Mr. D Shama Rao, B.A., LL.B.,** Advocate,

to appear in and conduct the above case on my behalf to judgment.

2. I further empower him to execute any decree or order that may be passed in my behalf to receive from Court such sums of money as I may be entitled to get and to grant receipts therefor.

3. I also undertake to confirm and ratify all the legal acts done by the said Advocate in so doing.

(Sd.) A Yegna Vittala Rao

Accepted

Signed before me and personally known to me

D Shama Rao
Advocate

D Shama Rao

ADVOCATE FOR appellant

Date 7/7/ 1938

Date 7-7- 1938

OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 18th July 1938.

No. 885/Muzg 14-38-2
one

Official Memorandum.

The accompanying Appeal Petition Registered No.28 dated 8th July 1938 received at the General and Revenue Secretariat from the Swamigalu of Sri Uttaradi Mutt, appealing against the orders of the Muzrai Commissioner in the matter of the resumption of ¼ share ~~of~~ in Sarvamanya Narayanakere Village, Hoskote Taluk from Bapu Shama Rao and others and restoration of the same to the Mutt is forwarded with compliments to the Muzrai Commissioner for submission of entire records connected with the case together with a report on the points urged in the petition.

By Order,

For General Secretary to Government.

GRA/2.

GOVT. OF H. H. THE MAHARAJA
OF MYSORE.

GEN. & REV. SECRETARIAT.

OFFICIAL MEMORANDUM.

No. S.S./Mis 14-38-2

The accompanying Petition Registered

No. 28 dated 8/7/38

received at the General and Revenue Secretariat from the Swamiyaru of Sri Ramaraya Mutt

Appeal against the order of the M.C. in the matter of resumption of ¼ share in Narayanakere Sarvamangala Village Hosakote Tk. from Rama Rao and others and restoration of same to the Mutt

is forwarded, ~~together with its enclosures,~~

to the M.C.

for Report & records connected with the case together with his report on the points urged in the petition.

By Order,

for Secretary.

BANGALORE,

15/7/1938.

[P T O

REVENUE & PE SECT.

WD 0258—GPB—1,000—25-8-32

Orders copies Asst. See & issue

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ವಿಷಯದಲ್ಲಿ ನೀವು ಗುಜರಾಯಿಸಿಕ್ಕೊಂಡ.....

ಮುಕ್ಕುಮಿನ ಅರ್ಜಿಯನ್ನು.....ಬಗ್ಗೆ

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.....ರವರ ಬಳಿಗೆ ಕಳುಹಿಸಿದೆ.

ಬೆಂಗಳೂರು

By Order,

Secretary.

Mysg 14-38-3

M. C. 15]
No. Uc 7/38-39
Ea 1 file.

GENL & REV. S
495
1938

OFFICE OF THE MUZRAI COMMISSIONER
IN MYSORE.

Bangalore, 29th October 1938

FROM

K. V. ANANTARAMAN, ESQ., B A.,
Muzrai Commissioner in Mysore.

To

M. Venkatesa Iyengar, Esq., M. A.,
Secretary to the Government of His Highness
the Maharaja of Mysore,
General *Department*

GENERAL SECRETARY.
29 OCT. 1938

SIR,

Appeal of the Sri Swamigalu of Sri Uttaradi Mutt
re. resumption of ¼ share of
Sarvamanya Narayanakere Village,
Hoskote Taluk.

With reference to your Official Memorandum No.85/Muz. dated the 19th July 1938 calling for a report with records re. the above, I have the honor to forward herewith the entire file of records received from the Deputy Commissioner, Bangalore District, with his letter No.C3-495/38-39 dated 17-10-1938 together with this office file No. App.29/36-37, and to state that the facts of the case are fully set forth in this office Order under appeal.

I have the honor to be,

Sir,

Your most obedient servant,

K V Anantaraman

Muzrai Commissioner.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 15th November 1938.

No. 769/ Mysg 14-38-4

From

The General Secretary to the Government of His Highness the Maharaja of Mysore.

To

The Superintendent,
Survey, Settlement and (Land Records) in Mysore,
Inam Branch. Bangalore.

Sir,

I am directed to request you to be so good as to forward for reference and return the entire papers relating to the Settlement of the Sarvamanya Narayanakere village Ioskote Taluk endowed to Sri Uttaradi Mutt and also regarding papers connected with the issue of Title Deed in respect of the above said Devadaya Inam.

I have the honor to be,
Sir,
Your most obedient servant,

For General Secretary to Govt.

SUBJECT.....

.....

.....

Section Mun

File No. 14-38

Serial No. 4

Diary No. of letter replied to .....

No. 769

To

The Superintendent.

P. L. Land Records

Thana Bardez

Sir,

I am directed to request you will be so good as to forward for my information the entire papers relating to the Settlement of the Sawantwadi Nanoy mankare village. Hostile is enclosed to you Collectorate note. Also papers connected with the issue of title deed in respect of the same land Records &c.

Yours faithfully,

14/11

General and Revenue Secretariat

( )

the *193*

Date of issue 15-11-38

Signed by Dy. S. R. V. Deyan

List of enclosures.....

Copied by.....

Examined by .....

WD 0278—GPB—30,000—4-3-38

14/11/38

Muz 14-38-4 54

GENL & REV. DEPT. 630 25. NOV. 1938

Government of Mysore.

DEPARTMENT OF LAND RECORDS, SURVEY AND SETTLEMENT.

No. 64

Revenue Survey Offices,

Encl. Two Inam Register sheets Nos: 428 & 429. and an Inamdar's statement.

Dated, Bangalore, 24th November 1938.

From

V. VEDAVYASACHARYA, Esq., B.A.,
Superintendent of Inam Settlements
in Mysore, Bangalore.

To

GENERAL SECRETARY 25 NOV 1938

M. VENKATESA IYENGAR, Esq., M.A.,
General Secretary to the Government of
His Highness the Maharaja of Mysore,
Bangalore.

Sir,

x7

With reference to your letter No.769/Muz.14-38-4 dated 15th November 1938 requesting me to forward, for reference, the entire papers relating to the settlement of Sarvamanya Narayanakere village, Hoskote Taluk, and also the papers relating to the issue of title-deeds, I have the honor to forward herewith the Inam Settlement Register and the Inamdar's statement pertaining to the village in question. The same may be kindly returned when done with.

These are the only papers that are available with the Inam Clerk for sending to you.

There are no separate papers relating to the issue of title-deeds which are prepared with reference to the Inam Settlement Registers.

V. Inam Clerk 30.11.38.

I have the honor to be,

Sir,

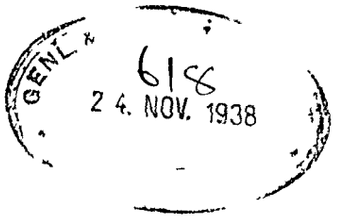
Your most obedient servant,

Vedavyasachary

Superintendent of Inam Settlements.

BAK.

24/11/38



BEFORE THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA

OF MYSORE AT BANGALORE.

Muzrai Appeal No. of 38-39.

APPELLANT		RESPONDENT.
Sree Satyadhyana Sreepadangalavaru, Swamy of Sree Uttaradi Mutt by agent A. Yagnavittalachar.	(Vs)	Bapu Shama Rao.

APPELLANT's MEMO.

The Appellant received endorsement No.86 Muz.1438 dated 19th July 1938 from the Government stating that the appeal petition filed by him has been registered and is receiving attention. The Appellant respectfully prays that their Swamy desires his counsel Mr. D. Shama Rao's arguement be kindly heard before final orders are passed.

BANGALORE.

21-11-1938.

14-38-6

H.C.7/38-39.
2 files.

1 DEC 1938

AI COMMISSIONER

A SORE,

Bangalore 1s . cember .....193 8.

FROM S. ABDUL WAJID, Esq., B.A.,
~~K. V. ANANTARAMAN, Esq., B.A.,~~
Muzrai Commissioner in Mysore.

To

M. Venkatesa Iyengar, Esq., M.A.,
Secretary to the Government of His Highness
the Maharaja of Mysore,
.... General .....*Department*

SIR,

In continuation of this office letter No.H.C.7/38-39 dated 29-10-1938 forwarding the records connected with the appeal of Sri Swamigalu of Sri Uttaradi Mutt, re. the resumption of ¼ share of Sarvamanya Narayanakere Village, Hosakote Taluk, I have the honor to forward herewith the marginally noted record of this office connected with the case, as desired in the Phone Message of yesterday, and request the favour of an acknowledgment.

1) No.D1 Dis.319/34-35	dated 8-6-35	re. the alienation of ¼ share of the Sarvamanya Narayanakere Village, Hosamote Taluk.	
2) No.D1 Dis.165/35-36	" 27-11-35	Do.	

I have the honor to be,

Sir,

Your most obedient servant

Muzrai Commissioner.

BEFORE THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

Muz. Appl' No. 6 of 1938-39 Hearing

Appellant		Respondent
Uttaradi Mutt	vs.	Bapu Shama Rao

PETITION FOR TRANSFER

The respondent above-named most humbly and respectfully begs to submit as follows:-

1. The above appeal now stands posted before the 1st Councillor, N. Madhava Rao, Esq. It happens however that the said officer, in his capacity as Muzrai Commissioner, has, in remanding P.C. 411 of 1933-34, given an adverse decision as to some of the points involved in the above appeal, remarked, inter alia, that in several cases decided by Government and cited in the order, "Government had ordered that the Mutt authorities should get back the alienated lands by payment of suitable compensation to the persons in actual possession thereof failing which the lands would be subjected to full assessments and left in the possession of the alienee the extra revenue being made over to the mutt as a cash grant," negativing one of the contentions of the respondent, viz., that inasmuch as, as set out in Col. 19(2) of the Inam Title Deed the respondent and his co-sharers and their ancestors have been in possession of the village since 1790, i.e., prior to 50 years computed up to 14th Dec. 1867, his title could not be questioned as is

(P.T.O.)

2. The respondent further submits that the said officer is a disciple of the appellant mutt, that, therefore, it will be highly embarassing for him to have to give a decision adverse to the appellant, and that in the civil litigation pet ween the same parties and on the same subject, in identical circumstances the presiding officer of the Small Cause Court, Bangalore, Mr. G.Krishnamurthi, ~~warwa~~ wrote to the District Judge for recalling R.A. 24 of 1932-33 which had been transferred to the said Court by the District Court, from his Court, on the ground that he was a disciple of the Mutt and that it was not desirable that he ~~shkcuk~~ should try it, and the appeal was accordingly transferred to the Sub Court, Bangalore.

Wherefore the respondent most humbly and respectfully prays that, in these circumstances, the above appeal may be kindly heard and disposed of by the Dewan (as it cannot be heard by the 2d Councillor he having passed the order under appeal).

ಸಂಜೀವರಾವ್

Petitioner.

8-2-1939

ON MYSORE GOVT. SERVI

[The name and address of the addressee and the
and official designation of the sender to be writt

1317-18/Mng.

(1) Mr. A. Shanmu

2) " Bachan. Sh
Clo Mrs M. B
51. Sa R

Secretary,
General and Revenue Secretariat.

~~IN THE COURT OF~~

Before the Govt. of H. H. the Maharaja of Mysore

Muz. Ap. 6 of 38-39

Applt. Resp't

Puttaradi Shett v. Bapu Shama Rao

VAKALATNAMA

executed by the resp't. above-named in favour of

Mr. C. Lakshmana Gouda, B. A., B. L, advocate.

~~I~~/We hereby empower the said advocate, in person or by proxy, on ~~my~~/our behalf, to appear in, and conduct the above case as well as all proceedings arising out of and connected with the same, to compromise the same, and to do all such acts as may be proper and necessary for the due conduct thereof including the signing, and presentation in Court, of the necessary petitions and papers.

And ~~I~~/we further authorise the said advocate to receive and give receipts for, any money, document, or other moveable property, that is, or may become, payable or deliverable to ~~me~~/us in the course of the said case or proceedings.

ಪಾಟೀಲ ಪುಟ್ಟರಾದಿ ಶೆಟ್ಟಿ

9-12-1939.

Known to me and signed before me. C.L.G.

Accepted. C. Lakshmana Gouda

UNDER THE GOVERNMENT OF HIS HIGHNESS THE
MAHARAJA OF MYSORE.

Muzrai Appeal No.6 of 38-39.

Vs.

Appellant

Sri Uttaradi Mutt by agent,
A. Yogna Vittalachar Kurthyschary a
Uttaradi Mutt Buildings,
Shankarpur, Bangalore City.

Respondents.

Bapu Shama Rao and others.

Subject

This is an appeal against the order of the Muzrai Commissioner in Mysore, dt 6-4-38 in muz appl 29/36-37 setting aside the order of the Deputy Commissioner, Bangalore District ~~dated 4th January 1938 in Muzrai Appeal No. 29/36-37~~ and directing that the lands comprising one fourth share in Sarvamanya Narayanakere village, Hoskote Taluk, originally endowed to the Sri Uttaradi Mutt and alienated in favour of the ancestors of the respondents be confirmed to the alienees without the imposition of any quit rent. The facts of the case are explained in the orders of the lower Courts.

The appeal came on for hearing on 10th March 1939 when the parties with their counsels were present, and the arguments of counsels on both sides were heard.

ORDER NO. 1540-3/Muz 14-38-8 Dated, Bangalore, the 17th March 1939.

The Muzrai Commissioner's Order, in so far as it confirms the alienation of th share in the village in favour of the alienees, is in accordance with the Chief Commissioner's Notification No.266 dated 17th November 1877 and does not call for any modification. The claim of the Sri Uttaradi Mutt to the alienated share of the village is inadmissible. The

appeal is therefore dismissed.

2. The Muzrai Commissioner has, however, ordered that the respondent alienee need not pay any quit rent. This ignores the specific provision in the rules of 1877 that the lands should be confirmed to the holders on the terms prescribed in the Land Inam Rules and should not be included in the title deeds granted by the Inam Department to the religious institutions. On the recognition of the alienation, the alienated share becomes a personal inam in the hands of the alienee, and under rule VI (d), the enfranchisement of the inam is compulsory. The entire village is at present an unenfranchised inam and under the above rule, the alienated share has to be enfranchised by the imposition of a quit rent. The Superintendent of Inams will therefore take steps to have the alienated portion of the village enfranchised by imposing the quit rent according to rules and to issue a revised title deed to Sri Uttaradi Mutt.

For General Secretary to Government.

To

1. The Muzrai Commissioner in Mysore, returning records connected with the case,
2. The Revenue Commissioner in Mysore,
3. The Commissioner of Land ~~Revenue~~ Records, Surveys and Settlements in Mysore,
4. The Superintendent of Inam Settlements in Mysore,

Sec Mg 14-38-8

Before the Government of His Highness the Maharaja of Mysore.

Mg Appeal No. 6 of 1938-9

Appellant. Vs. Respondents

Sri Settiradi Made by his Agent Yegna Viśala Bhattacharya - Settiradi Made Boriswamy Shankarpur. Bangalore city.

Bapu Shama Rao & others.

Subject. Setting aside the order of the M C/ dt. 6.4.1938 in Mun. Misc 29/36-7 directing that

This is an appeal against the order of the M C/ directing that the lands comprising Acre fourth share in Sarvamangala Nanjangere Village Hoskote TK originally endowed to the Sri Settiradi Made and alienated in favour of the ancestors of the respondents be confirmed to the aliences without the imposition of any quit-rent. The facts of the case are Co. Marked in the orders of the lower courts.

The appeal came on for hearing on 10-3-39 when the parties with their counsels were present and the arguments of counsels on both sides were heard.

Order No 1560-63/Mg 14-38-8 dt 7.8.39

(Here enter orders in paragraph of the order)

G. R. S. App. F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form*

~~Foreign Sec to Govt.~~

To

(The M.C. returning records connected with the Case.

2 The Rev Commr Mysore & Coorg & Inam

1544 of 17 3 39

Copy to the Agent-Ayeyngabiedala ~~Secretary~~ Chetty C/o D. Rama Rao Esq BA BL Advocate for information.

S.O

Copy of Law Record - Secretariat -

Foreign Sec

No 1545 of 17.3.39

Copy to the respondent Babu Ramarao C/o C. Lakshmana Gowda Esq BA BL Advocate for information

S.O

by

Foreign Sec.

Confidential

ON MYSORE GOVERNMENT SERVICE.

This contains a Sealed Cover Minute

Destroyed 25/9/29.

To

Munsiff Kr.

Office of the Dewan of Mysore.